

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 12323

PERMIT 10703

LICENSE 11073

ORDER ALLOWING CHANGE IN PLACE OF USE  
AND MODIFICATION OF LICENSE TERM

WHEREAS:

1. License 11073 was issued to Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric Company (PG&E) and was recorded with the County Recorder of El Dorado County on December 8, 1980 in Book 1935, Page 491 through 495.
2. A petition for change in the place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license shall be as follows:  
Union Valley Power Plant (SMUD) - within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 20, T12N, R14E, MDB&M.  
Jaybird Power Plant (SMUD) - within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T11N, R13E, MDB&M.  
Camino Power Plant (SMUD) - within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, T11N, R12E, MDB&M.  
White Rock Power Plant (SMUD) - within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 31, T11N, R11E, MDB&M.  
Slab Creek Power Plant (SMUD) - within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T11N, R11E, MDB&M.  
Chili Bar Power Plant (PG&E) - within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T11N, R10E, MDB&M.

No diversion or use of water shall be made under this license which will in any way interfere with diversion or use of water for irrigation or domestic purposes, whether such higher uses are made under either prior or subsequent rights.

2. Paragraph D, page 3 of License 11073 relating to fish releases from Slab Creek Reservoir under said License 11073, be replaced by the following terms:

Forecast of the unimpaired runoff of the American River inflow to Folsom Lake for the current water year, October 1 through September 30, in acre-feet, 1/

Minimum instantaneous release to South Fork from Slab Creek Dam in cubic feet per second

	June 1 thru November 15	November 16 thru May 31
More than 2,000,000	36	36
Less than 2,000,000 but not less than 1,500,000	36	36
Less than 1,500,000 but not less than 1,000,000	36	10
Less than 1,000,000	36	10

1/ As presented in the Bulletin of the California Department of Water Resources, "Water Conditions in California," beginning with the March 1 bulletin and applying in turn the April 1 and May 1 bulletins as they are issued. The May 1 bulletin shall apply until March 1 bulletin of the succeeding year is issued.

3. This license is subject to the agreement dated July 15, 1982 between Licensee and the State Department of Boating and Waterways, to the extent such agreement covers matters within the Board's jurisdiction.

Dated: AUGUST 31 1983

*Raymond Walsh*  
Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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APPLICATION 12323

PERMIT 10703

LICENSE 11073

ORDER ALLOWING CHANGE IN PLACE OF USE  
AND MODIFICATION OF LICENSE TERMS

WHEREAS:

1. License 11073 was issued to Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric Company (PG&E) and was recorded with the County Recorder of El Dorado County on December 8, 1980 in Book 1935, Page 491.
2. An order allowing change in place of use was granted on August 31, 1983 and was recorded with the County Recorder of El Dorado County on September 8, 1983 in Book 2205, Page 733.
3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Releases from Ice House Reservoir need to be updated by the SMUD and Department of Fish and Game agreement.
6. The continuing authority provision in this license should be amended to contain the current version of Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license shall be as follows:

Jones Fork Power Plant (SMUD) - within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 26, T12N, R14E, MDB&M  
Union Valley Power Plant (SMUD) - within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 20, T12N, R14E, MDB&M  
Jaybird Power Plant (SMUD) - within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T11N, R13E, MDB&M  
Camino Power Plant (SMUD) - within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, T11N, R12E,

- 1) For the years when the forecast flows into Folsom Reservoir is greater than 1,500,000 acre-feet per annum, as measured on April 1st and revised on May 1st by the Department of Water Resources, the following flows, in cubic feet per second (cfs), shall be released:

October	12 cfs	April	3 cfs
November 1 thru 15	10 cfs	May	8 cfs
November 16 thru 30	4 cfs	June	8 cfs
December	4 cfs	July	15 cfs
January	3 cfs	August	15 cfs
February	3 cfs	September	15 cfs
March	3 cfs		

The average year conditions shall be implemented on April 1st or May 1st whenever an average year occurs and shall continue until predicted inflow into Folsom Reservoir will be less than 1,500,000 acre-feet per annum.

- 2) For the years when the forecast inflow into Folsom Reservoir is less than 1,500,000 acre feet per annum, as measured on April 1st and revised on May 1st by the Department of Water Resources, the flow released from Ice House Reservoir shall be five (5) cubic feet per second continuous throughout the year. Dry year conditions shall be implemented on April 1st whenever a dry year occurs and shall continue until predicted inflow into Folsom Reservoir will exceed 1,500,000 acre-feet per annum.
- 3) Measure the stream flow in the South Fork of Silver Creek at the USGS gaging station immediately downstream of the Ice House Dam. Permittee shall keep the Department of Fish and Game advised of the calibration of said measuring device, and shall provide Fish and Game with quarterly copies of records of all measurements made with said device. (0140060)
3. The continuing authority provision in this license shall be amended to contain Section 780(a), Title 23, California Code of Regulations which reads as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to

License 11073 (Application 12323)

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The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 25 1988

*for Lloy Johnson*  
Walter G. Pettit, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

# License for Diversion and Use of Water

APPLICATION 12323  
PAGE 1 OF 4

PERMIT 10703

LICENSE 11073

THIS IS TO CERTIFY, That

SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD) AND  
PACIFIC GAS AND ELECTRIC COMPANY (PG&E)  
P. O. BOX 15830, SACRAMENTO, CALIFORNIA 95813

HAVING made proof as of **OCTOBER 16, 1970 AND MAY 30, 1980** (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
**(1) SOUTH FORK SILVER CREEK AND (2) SILVER CREEK IN EL DORADO COUNTY**  
tributary to **(1) SILVER CREEK AND (2) SOUTH FORK AMERICAN RIVER**

for the purpose of **POWER AND RECREATIONAL USES**  
under Permit **10703** of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from **FEBRUARY 13, 1948** and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed **FOUR HUNDRED (400) CUBIC FEET PER SECOND FROM SILVER CREEK**  
**BY DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR;**  
**AND TWO HUNDRED THIRTY-EIGHT THOUSAND NINE HUNDRED (238,900) ACRE-Feet PER ANNUM**  
**BY STORAGE, TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JULY 31 OF THE**  
**SUCCEEDING YEAR. THE MAXIMUM AMOUNT OF WATER COLLECTED TO STORAGE IN ANY ONE**  
**YEAR IN EACH OF LICENSEE'S RESERVOIRS HAS BEEN:**

- (1) ICE HOUSE RESERVOIR, 49,700 ACRE-Feet.**
- (2) UNION VALLEY RESERVOIR, 195,000 ACRE-Feet.**

THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCES (DIRECT DIVERSION PLUS  
COLLECTION TO STORAGE) SHALL NOT EXCEED **FOUR HUNDRED FIFTY-NINE THOUSAND THREE**  
**HUNDRED (459,300) ACRE-Feet PER YEAR. THE TOTAL AMOUNT OF WATER TO BE PLACED**  
**TO BENEFICIAL USE (FLOW THROUGH JAYBIRD POWERHOUSE) UNDER THIS LICENSE AND**  
**LICENSE 10495 (APPLICATION 14963) SHALL NOT EXCEED FIVE HUNDRED TWENTY-EIGHT**  
**THOUSAND FOUR HUNDRED (528,400) ACRE-Feet PER YEAR.**

WATER IS RETURNED TO SOUTH FORK AMERICAN RIVER AT CHILI BAR POWERHOUSE WITHIN  
NE1/4 OF SW1/4 OF SECTION 25, T11N, R10E, MDB&M.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED.

LICENSEE, SACRAMENTO MUNICIPAL UTILITY DISTRICT, SHALL OPERATE ITS FACILITIES AND COORDINATE WITH PACIFIC GAS AND ELECTRIC COMPANY, OPERATOR OF CHILI BAR POWER-PLANT, IN ORDER THAT SAID CHILI BAR POWERPLANT OPERATOR MAY CONFORM WITH THE REQUIREMENTS OF FPC LICENSE 2101 WHICH PROVIDE THAT CHILI BAR DIVERSION DAM AND POWERPLANT SHALL BE OPERATED SO AS TO SMOOTH THE DOWNSTREAM DISCHARGE AND MAINTAIN STREAMFLOW. SAID REQUIREMENTS SPECIFICALLY PROVIDE THAT CHANGE OF CONTROLLABLE DISCHARGE SHALL BE GRADUAL AND AT NO GREATER RATE THAN WILL INCREASE OR DECREASE THE STAGE OF THE RIVER BY ONE FOOT IN ELEVATION DURING ANY ONE-HOUR PERIOD, SUCH CHANGES IN STAGE TO BE MEASURED AT A CONTROL POINT OF REPRESENTATIVE WIDTH DOWN-STREAM FROM CHILI BAR DAM BY THE STREAM GAGE INSTALLED UNDER THE SUPERVISION OF THE U. S. GEOLOGICAL SURVEY PURSUANT TO ARTICLE 7 OF FORM L-2 OF FPC LICENSE 2101; PROVIDED AT NO TIME SHALL THE FLOW PAST THE GAGING STATION BE LESS THAN 100 SECOND FEET.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: DECEMBER 4 1980

STATE WATER RESOURCES CONTROL BOARD

*Walter G. Pettit*

Chief, Division of Water Rights

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED AS FOLLOWS:

- (1) BRUSH CREEK DAM - NORTH  $35^{\circ}00'$  WEST 2,450 FEET FROM SE CORNER OF SECTION 10, T11N, R12E, MDB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 10,
- (2) SOUTH FORK AMERICAN RIVER
  - (A) SLAB CREEK DAM - NORTH  $35^{\circ}39'55''$  EAST 3,622.27 FEET FROM SW CORNER OF SECTION 25, T11N, R11E, MDB&M, BEING WITHIN SE1/4 OF NW1/4 OF SAID SECTION 25, AND
  - (B) CHILI BAR DAM - NORTH  $52^{\circ}36'08''$  EAST 3,163.80 FEET FROM SW CORNER OF SECTION 25, T11N, R10E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 25.

A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

UNION VALLEY POWER PLANT (SMUD)	- WITHIN SW1/4 OF SW1/4 OF SECTION 20, T12N, R14E, MDB&M.
JAYBIRD POWER PLANT (SMUD)	- WITHIN NE1/4 OF NW1/4 OF SECTION 4, T11N, R13E, MDB&M.
CAMINO POWER PLANT (SMUD)	- WITHIN SW1/4 OF SE1/4 OF SECTION 15, T11N, R12E, MDB&M.
WHITE ROCK POWER PLANT (SMUD)	- WITHIN NW1/4 OF NE1/4 OF SECTION 31, T11N, R11E, MDB&M.
CHILI BAR POWER PLANT (PG&E)	- WITHIN NE1/4 OF SW1/4 OF SECTION 25, T11N, R10E, MDB&M.

NO DIVERSION OR USE OF WATER SHALL BE MADE UNDER THIS LICENSE WHICH WILL IN ANY WAY INTERFERE WITH DIVERSION OR USE OF WATER FOR IRRIGATION OR DOMESTIC PURPOSES, WHETHER SUCH HIGHER USES ARE MADE UNDER EITHER PRIOR OR SUBSEQUENT RIGHTS.

LICENSEE SHALL MAINTAIN THE FOLLOWING MINIMUM STREAMFLOWS IN THE INTEREST OF FISH LIFE:

- (A) IN SILVER CREEK BETWEEN UNION VALLEY DAM AND JUNCTION RESERVOIR, NO MINIMUM FLOW REQUIRED.
- (B) IN SOUTH FORK SILVER CREEK BELOW ICE HOUSE DAM; 10 CUBIC FEET PER SECOND DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE; AND 5 CUBIC FEET PER SECOND DURING THE PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
- (C) IN SILVER CREEK BELOW JUNCTION DAM (JAYBIRD POWERHOUSE INTAKE DAM) AND BELOW CAMINO INTAKE DAM:
  - (1) FOR THOSE YEARS WHEN THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT FAIR OAKS IS 2,000,000 ACRE-FEET OR GREATER; 20 CUBIC FEET PER SECOND DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE, AND 10 CUBIC FEET PER SECOND DURING THE PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
  - (2) FOR THOSE YEARS WHEN THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT FAIR OAKS IS 1,500,000 ACRE-FEET OR GREATER, BUT LESS THAN 2,000,000 ACRE-FEET; 15 CUBIC FEET PER SECOND DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE, AND 8 CUBIC FEET PER SECOND DURING THE PERIOD NOVEMBER 1 TO APRIL 30, INCLUSIVE.
  - (3) FOR THOSE YEARS WHEN THE APRIL 1 FORECAST OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER AT FAIR OAKS IS GREATER THAN 1,000,000 ACRE-FEET, BUT LESS THAN 1,500,000 ACRE-FEET; 10 CUBIC FEET PER SECOND



PROVIDED FURTHER, THAT MINIMUM STREAMFLOWS MAINTAINED BY THE LICENSEE AS STATED IN LICENSE TERM (B) DURING THE PERIOD MAY 1 TO OCTOBER 31, INCLUSIVE, MAY BE REDUCED BY ONE-HALF IN THOSE YEARS IN WHICH THE APRIL 1 FORECAST OF THE DEPARTMENT OF WATER RESOURCES FOR THE UNIMPAIRED RUNOFF FOR THE AMERICAN RIVER AT FAIR OAKS IS LESS THAN 1,500,000 ACRE-FEET.

- (D) THE LICENSEE SHALL RELEASE THROUGH A NEAR-STREAMBED OUTLET OF SLAB CREEK DAM THE FLOWS SPECIFIED IN THE FOLLOWING SCHEDULE AS MEASURED BY THE EXISTING U. S. GEOLOGICAL SURVEY GAUGING STATION LOCATED ABOUT ONE-EIGHTH OF A MILE BELOW THE SLAB CREEK DAMSITE OR AT SUCH NEW LOCATION AS MAY BE DETERMINED PURSUANT TO ARTICLE 7 OF FORM L-2 OF FEDERAL ENERGY REGULATION COMMISSION LICENSE NO. 2101.

FORECAST OF THE UNIMPAIRED  
RUNOFF OF THE AMERICAN RIVER,  
(INFLOW TO FOLSOM), FOR THE  
CURRENT WATER YEAR, OCTOBER 1  
THROUGH SEPTEMBER 30, IN  
ACRE-FEET. 1/

MINIMUM INSTANTANEOUS RELEASE  
TO SOUTH FORK FROM SLAB CREEK  
DAM IN CUBIC FEET PER SECOND

	APRIL THRU JUNE	JULY THRU OCTOBER	NOVEMBER THRU MARCH
MORE THAN 2,000,000	75	35	20
LESS THAN 2,000,000 BUT NOT LESS THAN 1,500,000	60	30	15
LESS THAN 1,500,000	25	25	15

1/ AS PRESENTED IN THE BULLETIN OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, "WATER CONDITIONS IN CALIFORNIA", BEGINNING WITH THE MARCH 1 BULLETIN AND APPLYING IN TURN THE APRIL 1 AND MAY 1 BULLETINS AS THEY ARE ISSUED. THE MAY 1 BULLETIN SHALL APPLY UNTIL MARCH 1 BULLETIN OF THE SUCCEEDING YEAR IS ISSUED.

- (E) LICENSEE SHALL MAINTAIN, BY RELEASE THROUGH A NEAR-STREAMBED OUTLET OF BRUSH CREEK DAM, THE FOLLOWING SCHEDULE OF FLOWS: SAID FLOWS TO BE DETERMINED BY A STAFF GAUGE, SAID GAUGE TO BE LOCATED NOT MORE THAN ONE-QUARTER MILE BELOW BRUSH CREEK DAM. WHEN THE FORECAST OF THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER (INFLOW TO FOLSOM), FOR THE CURRENT WATER YEAR, OCTOBER 1 THROUGH SEPTEMBER 30, IS MORE THAN 1,500,000 ACRE-FEET, MINIMUM INSTANTANEOUS RELEASE FROM BRUSH CREEK DAM SHALL BE 6 CUBIC FEET PER SECOND FROM NOVEMBER 1 THROUGH MAY 31 AND 3 CUBIC FEET PER SECOND FROM JUNE 1 THROUGH OCTOBER 31.

WHEN THE FORECAST OF THE UNIMPAIRED RUNOFF OF THE AMERICAN RIVER (INFLOW TO FOLSOM), FOR THE CURRENT WATER YEAR, OCTOBER 1 THROUGH SEPTEMBER 30, IS LESS THAN 1,500,000 ACRE-FEET, MINIMUM INSTANTANEOUS RELEASE FROM BRUSH CREEK DAM SHALL BE 4 CUBIC FEET PER SECOND FROM NOVEMBER 1 THROUGH MAY 31 AND 2 CUBIC FEET PER SECOND FROM JUNE 1 THROUGH OCTOBER 31.

PROVIDED THAT THE STATED MINIMUM RELEASES MAY BE REDUCED TO EQUAL THE NATURAL FLOW IMMEDIATELY ABOVE BRUSH CREEK RESERVOIR IF SUCH FLOW IS

